

Constitutionality of Separating National and Regional Elections after Constitutional Court Decision 135/PUU-XXII/2024

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Habibul Umam Taquiuddin¹, Anggi Purnama Tradesa², Baiq Widiantri³

^{1,2,3} Faculty of Law, Nahdlatul Ulama University of West Nusa Tenggara, Mataram, Indonesia

Email Author: habibulumamtaquiuddin1986@gmail.com

Email Corresponding Author: habibulumamtaquiuddin1986@gmail.com

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Abstract

Indonesia's experience with the five-ballot simultaneous election in 2019 exposed the administrative strain created when presidential, national legislative, and regional legislative contests are conducted within a single electoral cycle. The resulting burden on voters, election organisers, and electoral logistics became part of the constitutional debate that preceded Constitutional Court Decision Number 135/PUU-XXII/2024. This article examines two related issues: whether the Constitution permits national and regional elections to be placed on different schedules, and how such a redesign affects the tenure of provincial and regency/municipal Regional People's Representative Councils (DPRD). The research is normative and doctrinal, drawing on statutory, case, conceptual, and historical approaches. It finds that the 1945 Constitution does not prescribe one compulsory model of simultaneity; separation is therefore permissible so long as the legislature protects electoral periodicity, popular sovereignty, representative legitimacy, and legal certainty. The principal difficulty lies in the transition. Existing legislation does not yet provide a complete mechanism for reconciling the new regional election timetable with the statutory five-year tenure of DPRD members. Any additional period in office must consequently rest on express legislation, be confined to the minimum period required for transition, and remain compatible with Article 22E paragraph (1) of the 1945 Constitution. Legislative harmonisation is therefore necessary before the new schedule is implemented.

Keywords: electoral periodicity, election scheduling, constitutional adjudication, regional legislatures, democratic legitimacy, electoral law.

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INTRODUCTION

Indonesia's electoral calendar entered a new constitutional phase when Constitutional Court Decision Number 135/PUU-XXII/2024 authorised the national and regional electoral cycles to be reorganised. The central issue is not simply when ballots should be cast, but how a revised timetable can remain faithful to popular sovereignty under Article 1 paragraph (2) and to the five-year periodicity required by Article 22E paragraph (1) of the 1945 Constitution. Periodic elections renew the authority of representative bodies; they are therefore a source of

democratic legitimacy rather than a matter of administrative convenience. A change in scheduling must also preserve legal certainty for election organisers, candidates, voters, and institutions responsible for public order and election security. For Police Science, this institutional clarity is relevant because a predictable electoral framework supports risk planning, inter-agency coordination, and the lawful maintenance of security throughout the electoral cycle. The 2024 Decision consequently raises interconnected questions about legislative discretion, DPRD tenure, transitional legality, and the coherence of Indonesia's electoral laws (Noviawati, 2019).

The present debate developed from the constitutional settlement established by Constitutional Court Decision Number 14/PUU-XI/2013. That decision required presidential and national legislative elections to be conducted concurrently, and the model was first implemented nationally in 2019. Its underlying rationale was to align the formation of the executive and national representative institutions, reinforce the presidential system, and reduce fragmentation in electoral administration. The legislature later incorporated this judicial interpretation into the statutory framework governing general elections. Although the model sought institutional coherence, it also expanded the number of choices presented to voters on one election day and concentrated complex organisational tasks within a narrow period (Rajagukguk et al., 2021).

The 2019 election demonstrated that legal simultaneity can generate operational consequences that affect the quality of democratic participation. Voters were required to distinguish candidates across several levels of representation, while election management bodies had to prepare, distribute, count, and recapitulate five different ballots. At polling-station level, these tasks compressed extensive administrative work into a limited timeframe. The problem was therefore broader than technical inconvenience: excessive complexity could impair the accessibility of the voting process, weaken attention to regional representation, and increase the possibility of administrative error. Those concerns prompted renewed evaluation of whether one nationwide election day remained the most effective means of implementing constitutional democracy (Tyesta ALW, 2019).

Geographical diversity intensified those difficulties. The movement of ballot papers and other materials across remote areas, the coordination of local election structures, and the simultaneous conduct of polling and counting required substantial institutional capacity. Where administration becomes overly complex, delays or mistakes may affect voting rights, legal certainty, and the resolution of electoral disputes. The 2019 experience thus supplied an important factual setting for constitutional review, although operational problems alone do not determine whether an electoral model is constitutional. Their legal relevance lies in showing how institutional design may facilitate or obstruct the effective exercise of rights guaranteed by the electoral framework (Mahesuari et al., 2023).

Constitutional Court Decision Number 135/PUU-XXII/2024 responded to a petition challenging the statutory arrangement of simultaneous elections. The Court differentiated national contests - the presidential election and elections for the DPR and DPD - from regional contests involving governors, regents, mayors, and DPRD members. It concluded that the existing combination had produced practical burdens capable of reducing the effectiveness of electoral administration and democratic participation. The Court therefore declared Article 167 paragraph (3) and Article 347 paragraph (1) of Law Number 7 of 2017 on General Elections conditionally unconstitutional to the extent that they compelled both groups of elections to be held together. Rather than prescribing every feature of the replacement system, the Court required the legislature to redesign the timetable and to prepare the legal measures needed for transition. This distinction is crucial: the judgment creates constitutional space for separation, but implementation remains dependent on legislation.

Scholarship on simultaneous elections has largely concentrated on implementation. Fathurrahman et al. (2023) found that compliance and participation did not eliminate excessive workloads, administrative mistakes, and weaknesses in the management of the 2019 election. Read together with other evaluations, this literature explains why the five-ballot model became the subject of reform. It does not, however, fully resolve the post-decision constitutional problem. Once national and regional contests are placed on different cycles, the question shifts from whether separation may improve administration to whether transitional arrangements can preserve the five-year renewal of DPRD mandates. The present article addresses that narrower gap by examining the constitutional boundaries of legislative redesign and the legal basis required for any temporary adjustment of regional legislative tenure.

Luhukay (2020) treated the separation of national and regional elections as an institutional alternative to the burdens revealed in 2019. The analysis was valuable in identifying the relationship between electoral complexity, organisers' workloads, and the effective exercise of voting rights. Because it preceded Constitutional Court Decision Number 135/PUU-XXII/2024, however, it could not assess the legal consequences generated by the Court's new interpretation. In particular, it did not examine how a delayed regional election would interact with the expiry of DPRD terms or what constitutional safeguards should govern the transitional period. That unresolved issue forms the principal doctrinal concern of this study.

Prayudi (2021) approached separation from a public-policy perspective. The proposed advantages included clearer political accountability, stronger alignment within the presidential system, reduced pressure on election officials, and greater opportunity for voters to focus on regional choices. The same study warned that identity-based mobilisation and weak party adaptation could limit those benefits. These considerations show that electoral reform has institutional costs as well as potential gains. They nevertheless remain distinct from the legal question examined here: whether the legislature may separate the cycles without diluting the periodic electoral mandate of provincial and regency/municipal DPRD members.

Against that background, the study asks two questions. First, does the separation of national and regional elections contemplated by Constitutional Court Decision Number 135/PUU-XXII/2024 conform to the 1945 Constitution? Second, what constitutional consequences follow for DPRD tenure when the regional legislative election is moved away from the national cycle? The article aims to determine the scope of legislative discretion in redesigning the schedule and to formulate the limits that should govern transitional tenure. The analysis centres on electoral periodicity, popular sovereignty, legal certainty, and the democratic legitimacy of representative institutions.

Constitutional law theory provides the first analytical framework. It treats the Constitution as the superior norm that authorises, structures, and limits public power. Legislation and judicial implementation must therefore be assessed against constitutional text, institutional competence, rights protection, and legal certainty (Asshiddiqie, 2021). In this article, that framework is used to read Article 1 paragraph (2), Article 18, and Article 22E paragraph (1) of the 1945 Constitution in relation to the Court's authority to interpret election provisions. It also guides the assessment of whether a statutory adjustment to DPRD tenure is a legitimate transitional measure or an impermissible continuation of representative power without a renewed mandate.

The second framework is constitutional democracy. Under this conception, democratic choice operates through legal institutions that constrain power, protect rights, and make government accountable. Elections are therefore more than procedures for selecting office-holders; they are recurring constitutional occasions on which citizens confer, review, or withdraw political authority (Pettit, 2022). This framework is particularly useful for evaluating a transitional extension. Even where a scheduling reform is rational and administratively beneficial, its

implementation remains constitutionally defensible only when the temporary arrangement does not displace the electorate's entitlement to regular democratic renewal.

The article's contribution lies in linking electoral redesign to the constitutional status of the transition. Earlier work has explained the managerial, political, and voter-related problems of simultaneous elections, whereas the legal effect of the 2024 Decision on DPRD tenure has received less systematic treatment. By combining constitutional supremacy, periodicity, popular sovereignty, and legal certainty, this study develops criteria for judging any transitional arrangement: it must have an express statutory basis, pursue a legitimate constitutional objective, last no longer than necessary, and preserve the equality and accountability of representative mandates. This framework also contributes to Police Science by clarifying the legal environment within which election-security planning and public-order operations are organised.

The research is normative legal research. Its primary materials are the 1945 Constitution of the Republic of Indonesia; Law Number 7 of 2017 on General Elections; Law Number 23 of 2014 on Regional Government, as last amended by Law Number 9 of 2015; Constitutional Court Decision Number 14/PUU-XI/2013; and Constitutional Court Decision Number 135/PUU-XXII/2024. Secondary materials consist of books and peer-reviewed scholarship on constitutional law, electoral governance, constitutional adjudication, and democratic institutions. Legal dictionaries, encyclopaedias, and the Kamus Besar Bahasa Indonesia are used as tertiary materials where clarification of terminology is required.

Four approaches are combined. The statutory approach identifies the rules governing election timing and DPRD tenure. The case approach reconstructs the *ratio decidendi* of the two Constitutional Court decisions and distinguishes the Court's holding from consequences that must still be regulated by the legislature. The conceptual approach examines constitutional supremacy, democratic legitimacy, legal certainty, popular sovereignty, and periodic renewal. The historical approach traces the movement from separate electoral schedules to the post-2013 simultaneous model and then to the redesign authorised in 2024. Together, these approaches connect the research questions to the relevant norms rather than treating administrative experience as an independent source of constitutional validity.

The legal materials are examined in four steps. First, the relevant constitutional and statutory provisions are identified and classified according to their functions. Second, those provisions are compared to locate tensions between the new schedule and the existing rules on DPRD tenure. Third, the reasoning of Constitutional Court Decision Number 135/PUU-XXII/2024 is analysed to determine what the Court authorised, what it required from lawmakers, and what it left unresolved. Fourth, possible transitional arrangements are evaluated against electoral periodicity, popular sovereignty, legal certainty, representative accountability, and constitutional supremacy.

Systematic, historical, and teleological interpretation are applied according to the issue under examination. Systematic interpretation reads Articles 1, 18, and 22E of the 1945 Constitution together with the election and regional-government statutes. Historical interpretation explains why the earlier separation of electoral schedules cannot automatically justify the legal consequences of returning to a separated model after a decade of simultaneity. Teleological interpretation focuses on the constitutional purposes served by regular elections: the renewal of political authority, meaningful representation, and accountable government. The combined analysis is used to assess both the validity of separation and the permissible limits of a transitional arrangement affecting DPRD tenure.

DISCUSSION

Constitutional Legitimacy of Separating National and Regional Elections

Constitutional Court Decision Number 135/PUU-XXII/2024 should be understood as an authorisation for legislative redesign, not as a self-executing electoral calendar. The Court considered the concentrated demands of the five-ballot model, including the number of offices presented to voters, the complexity of counting, and the pressure placed on election organisers. It concluded that the Constitution allows national contests to be separated from regional contests when the new arrangement continues to satisfy democratic and constitutional requirements. The judgment consequently removes the assumption that simultaneity is the only permissible reading of Article 22E, while leaving the legislature responsible for specifying dates, institutional coordination, and transitional rules (Constitutional Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024, 2024).

The Court's reasoning must nevertheless be read with care. Administrative difficulty was not transformed into a freestanding constitutional prohibition on complex elections. Rather, the practical record helped the Court assess whether the statutory model still supported effective participation and manageable electoral administration. The legal conclusion was that separation falls within the range of constitutionally acceptable designs; it was not that every separated schedule is automatically valid. A particular legislative model may still be defective if it disrupts the five-year cycle, treats representative mandates inconsistently, or creates uncertainty about when elected authority begins and ends. The constitutional assessment therefore moves from the permissibility of separation to the legality of the rules chosen to implement it.

That distinction reveals the central normative gap. The 2024 Decision establishes that the electoral cycles may be separated, but it does not itself determine what happens when the new regional election date falls after the ordinary expiry of DPRD membership. Article 155 paragraph (4) of Law Number 23 of 2014 on Regional Government, as last amended by Law Number 9 of 2015, links the end of a five-year DPRD term to the oath of its successors. Without a specific transitional rule, the statutory text may allow incumbents to remain until replacement, even though the electorate has not renewed their mandate at the usual five-year interval. Legislation is therefore required to reconcile continuity of the institution with periodic democratic authorisation.

The operational experience of 2019 explains why redesign was considered, but it should be incorporated into constitutional analysis through a disciplined legal connection. Fuadi (2022) describes how the short period available for voting, counting, and recapitulation generated intense physical and psychological pressure for election officials. Those conditions are relevant because an electoral framework should enable institutions to perform their legal duties effectively and should not impose avoidable risks that undermine participation or accuracy. They support the search for a more workable schedule, yet they do not dispense with the need to protect the constitutional values that a transition may affect. Administrative effectiveness and democratic renewal must be achieved together rather than traded against each other.

Research on the Polling Station Working Committee (KPPS) further illustrates the institutional dimension of the problem. Novi Tazkiyatun Nihayah et al. (2023) associate the intensive sequence of polling and counting with fatigue and excessive workloads among officials. In a normative study, such findings function as contextual evidence rather than as proof of constitutional invalidity. They indicate that the legislature has a legitimate reason to reduce concentrated burdens and to distribute electoral tasks more rationally. The Court relied on comparable concerns when assessing the quality of participation and administration under the existing model (Constitutional

Court of the Republic of Indonesia Decision Number 135/PUU-XXII/2024, 2024).

The proper constitutional inference is therefore limited but significant. Article 22E paragraph (1) requires elections to be conducted directly, generally, freely, secretly, honestly, and fairly every five years. An electoral design that predictably overwhelms its administering institutions may make those standards harder to realise, even when the design is formally authorised by statute. The legislature may respond by separating schedules, provided that the remedy remains consistent with the same article's requirement of periodic renewal. Reform is constitutionally responsive when it improves the conditions for meaningful voting without postponing democratic accountability beyond a legally justified transition.

The welfare and safety of election officials also deserve consideration, although Article 28G paragraph (1) should not be treated as a guarantee against every demanding public duty. Its relevance lies in the State's obligation to design and administer elections with reasonable safeguards against disproportionate and foreseeable harm. A proportional arrangement should balance the public interest in efficient elections, the rights of voters, and the protection of those who carry out statutory functions. The maxim *salus populi suprema lex esto* may reinforce that orientation, but it operates as a normative guide rather than an autonomous rule capable of deciding the constitutional issue (Atmadja, 2018). The stronger legal basis for reform remains the combined demand for effective participation, lawful administration, and periodic elections.

Separation may also improve the representative quality of regional contests. Wasisto's (2021) study of voter behaviour in Surabaya found that the five-ballot format and limited political literacy made it difficult for voters to distinguish candidates at different legislative levels. When national campaigns dominate public attention, regional issues and candidates may receive less scrutiny. A dedicated regional cycle could therefore create more deliberative space for local programmes, accountability, and representation. This benefit is constitutionally relevant because popular sovereignty is exercised meaningfully only when voters can understand the offices and alternatives before them. It does not, however, justify an indefinite postponement of the next regional legislative election; the opportunity for more focused choice must remain tied to a clear and lawful timetable.

Electoral-governance scholarship similarly treats effectiveness as a relationship between system design, institutional capacity, voter preparedness, and representative outcomes (Sirajuddin et al., 2021). Excessive complexity may increase procedural error and reduce the practical exercise of voting rights (Khoirunnisa, 2020). These considerations support legislative discretion to choose a separated model, but that discretion is bounded. The implementing statute must regulate the sequence of national and regional contests, coordinate the responsibilities of election bodies and security institutions, and explain the transitional status of office-holders. A schedule that solves one administrative problem by creating uncertainty over representative tenure would not satisfy the broader constitutional requirement of effective and accountable electoral governance.

The most serious issue arises if the interval between national and regional elections causes incumbent DPRD members to serve beyond the ordinary electoral cycle. Continuity is necessary because a representative body cannot simply cease functioning before its successors are installed. Yet institutional continuity does not by itself supply a renewed democratic mandate. Mutawalli et al. (2023) emphasise the constitutional importance of electoral periodisation, which enables citizens to reassess political authority at predictable intervals. A transitional extension may therefore be defensible only as an exceptional bridge between two systems, not as an ordinary enlargement of legislative tenure. Its legal basis, duration, and purpose must be stated expressly and remain open to constitutional review.

The text of Article 22E paragraph (1) supports separation. It requires general elections every five years and identifies the principles governing their conduct, but it does not state that all national and regional contests must occur on the same day or within one cycle. Asriana et al. (2022) accordingly distinguish periodicity from simultaneity: the former is constitutionally required, whereas the precise arrangement of different contests is left to legal design. On this reading, separate schedules are valid in principle. The legislature must nevertheless ensure that each elected representative institution receives a mandate through an election held within the constitutional period, subject only to a narrowly tailored transitional mechanism.

A systematic reading reaches the same conclusion. Article 1 paragraph (2) locates sovereignty in the people and requires its exercise to follow the Constitution. Article 22E paragraph (1) gives recurring institutional form to that sovereignty through elections, while Article 18 situates regional representative government within the constitutional structure. These provisions do not command one pattern of simultaneity; instead, they require a design that keeps authority democratically traceable and legally certain. Laksono and Agustine (2017) show that judicial interpretation has played a substantial role in shaping election design after Decision Number 14/PUU-XI/2013. The legislature retains room to redesign the system, but the resulting statute must continue to connect representative power to regular popular authorisation.

Historical practice confirms that separated schedules are not inherently foreign to the 1945 Constitution. Before Decision Number 14/PUU-XI/2013, national and regional electoral processes operated under different statutory timetables. Abra (2019) notes that the constitutional text did not prescribe a single original model of simultaneity. That history demonstrates legislative flexibility, but it cannot be used without qualification. The current transition begins after the legal system has organised simultaneous elections and after DPRD members were elected for terms calculated under that framework. Returning to separation therefore creates tenure consequences that did not arise in the same form under the earlier system. Historical acceptance of separate voting dates does not amount to historical approval of extending an existing mandate without clear law.

Teleological interpretation focuses on why Article 22E requires a five-year cycle. The provision protects the recurring transfer and review of authority, not merely the regular occurrence of an administrative event. Hantoro (2023) explains that constitutional interpretation of simultaneity must remain connected to the purposes of electoral government. A redesigned timetable is therefore legitimate when it improves fairness, participation, and institutional manageability while maintaining the public's periodic control over representatives. Conversely, a transition that delays accountability for longer than necessary would conflict with the purpose of the five-year guarantee even if it could be accommodated through a literal reading of the statutory end-of-term provision.

The timing problem is concrete. DPRD members elected in 2024 ordinarily complete a five-year term in 2029. If the first regional cycle under the new model is held roughly two to two-and-a-half years after the national election, the inauguration of successors may occur after that point. The law must then choose among transitional options while avoiding an institutional vacancy. Any additional service by incumbents should be authorised before the ordinary term expires, confined to the minimum period needed to install successors, and accompanied by a fixed election date. These conditions prevent a temporary bridge from becoming an open-ended extension and allow voters, parties, election organisers, and security institutions to plan on a legally certain basis.

An extension without a specific legislative foundation would be constitutionally vulnerable. Article 22E paragraph

(1) gives citizens a recurring opportunity to renew or withdraw representative authority. When incumbents continue to exercise legislative power after the usual period without a new election, that opportunity is postponed. Junadi et al. (2021) connect limits on legislative tenure to accountability and the prevention of entrenched power. A transition may justify a short departure from the ordinary timetable, but the departure must satisfy legality, necessity, proportionality, and temporal certainty. A general reference to institutional continuity is insufficient unless the statute explains why the chosen duration is indispensable and how democratic control will be restored.

Implementation therefore requires coordinated amendments rather than a single change to the election date. Law Number 7 of 2017 on General Elections must specify the new cycles and their transitional sequence. Those provisions must be harmonised with Law Number 23 of 2014 on Regional Government, as last amended by Law Number 9 of 2015, particularly the rule governing the end of DPRD tenure. The statute should also allocate responsibilities among election management bodies, clarify inauguration dates, and provide a stable basis for election-security coordination. This integrated approach avoids unequal treatment in which national institutions receive mandates on a predictable five-year cycle while regional representative bodies operate under uncertain or ad hoc extensions.

Constitutional Implications for Regional Legislative Tenure

The constitutional consequence of separation is best understood as a problem of mandate continuity. The 2024 Decision does not erase the distinction between DPRD elections, which fall within the general-election framework, and regional-head elections, whose constitutional basis is located in Article 18. Nevertheless, grouping those contests within a regional cycle may cause the term of a DPRD to expire before the next regional vote and inauguration. Article 1 paragraph (2) and Article 22E paragraph (1) require the resulting gap to be addressed in a manner that preserves popular sovereignty and electoral periodicity. The aim is to maintain the operation of representative government without allowing continuity to displace the electorate as the ultimate source of authority.

Article 155 paragraph (4) of Law Number 23 of 2014 states that DPRD members serve for five years and that their tenure ends when successors take the oath. The provision secures institutional continuity, but it was not drafted as a comprehensive transitional regime for the electoral separation authorised in 2024. If the next inauguration occurs after the five-year point, the continuation of incumbents must be treated as an exceptional statutory consequence rather than as an automatic entitlement. Express transitional legislation should identify the affected terms, the exact endpoint, the legal status of decisions taken during the additional period, and the mechanism for inaugurating successors. Such detail is necessary to prevent uncertainty over the validity and accountability of regional legislative action.

Regular elections protect citizens' ability to evaluate their representatives. Firmanto (2023) observes that delaying an election engages constitutional-democratic concerns because it suspends the ordinary opportunity to confer a fresh mandate. A limited transition is not necessarily equivalent to an unconstitutional postponement, but it must remain temporary, predetermined, and directed toward the operation of the new system. Without these safeguards, different schedules could produce unequal standards of accountability between national and regional institutions. Tukina (2020) highlights the importance of respecting regional democratic sovereignty within Indonesia's constitutional order. Any transition should therefore preserve not only institutional continuity but also the equal constitutional value of regional representation.

The pre-2013 experience of separate schedules cannot answer the present tenure issue. At that time, the legal

system had not yet moved from a consolidated simultaneous model into a newly separated cycle. Decision Number 14/PUU-XI/2013 and Law Number 7 of 2017 subsequently reorganised the electoral structure (Zuhri, 2018). Kurnia (2022) demonstrates that the practical consequences of the post-2013 model became part of the later constitutional debate. The current change therefore operates upon terms of office formed under a different timetable. For that reason, past coexistence of separate elections cannot be treated as a sufficient legal basis for additional tenure. Under a purposive reading, the five-year cycle remains a substantive guarantee of democratic renewal (Wijoyo & Firdaus, 2022).

The legislature must distinguish the reason for reform from the rules governing transition. The burdens of the 2019 election support reconsideration of the schedule, but they do not independently authorise a longer representative mandate. Zainurahman et al. (2025) identify the legal implications of the 2024 Decision for regional offices and the need for statutory adjustment. Yulida and Anggreini (2025) likewise examine transitional electoral design as a means of avoiding legal and institutional disruption. Drawing on those concerns, the implementing law should establish a fixed first regional election date, a narrowly defined interim tenure, a uniform inauguration mechanism, and clear review provisions. These safeguards would connect the temporary measure directly to the constitutional objective it serves.

The absence of such rules creates a normative void. Current legislation regulates the ordinary length and termination of DPRD membership but does not fully address the change from the 2024 electoral cycle to a later regional cycle. If incumbents continue without a new mandate, uncertainty may arise regarding accountability, the temporal scope of authority, and the democratic basis of decisions taken during the additional period. Diniyanto (2022) links election postponement to the requirements of constitutional democracy and the rule of law. The relevant issue is therefore not whether DPRD tenure may ever be adjusted, but whether the adjustment is authorised, necessary, proportionate, and precisely limited.

Separation should consequently be treated as a constitutional redesign with two inseparable components. The first is the permanent allocation of national and regional contests to different schedules. The second is a one-time transition that reconciles the new timetable with existing mandates. Administrative efficiency may justify the first component, whereas only express and narrowly tailored legislation can legitimate the second. If either component is left incomplete, reform may improve election-day management while weakening legal certainty and periodic accountability. Constitutional legitimacy requires both a workable electoral system and a transparent route by which every representative mandate returns to the electorate.

A constitutionally sound framework should therefore amend Law Number 7 of 2017 and harmonise it with the regional-government legislation. At minimum, it should define the composition of the national and regional cycles, set the first election and inauguration dates, specify any temporary continuation of DPRD membership, and prohibit extensions beyond the period strictly required for transition. It should also coordinate electoral administration and security responsibilities so that legal certainty extends from institutional planning to implementation. With those safeguards, separation can enhance voter focus and administrative capacity while preserving constitutional supremacy, democratic legitimacy, and the five-year principle of electoral renewal.

CONCLUSION

The separation of national and regional elections is constitutionally permissible because Article 22E paragraph (1) of the 1945 Constitution requires periodic elections but does not impose a single compulsory model of

simultaneity. Constitutional Court Decision Number 135/PUU-XXII/2024 accordingly opens space for the legislature to design a more manageable electoral calendar. That authority is limited by popular sovereignty, legal certainty, representative accountability, and the requirement that political mandates be renewed at five-year intervals. The unresolved issue concerns the transition from the 2024 cycle to the first separated regional cycle. Existing rules on DPRD tenure do not by themselves provide a sufficiently precise basis for an additional period in office. Any continuation beyond the ordinary term must be expressly authorised, temporary, necessary, and tied to a fixed date for the election and inauguration of successors. Harmonised amendments to the election and regional-government laws are therefore essential to preserve both institutional continuity and democratic legitimacy.

SUGGESTION

The legislature should enact the transitional framework before implementing the separated schedule. The amendment to Law Number 7 of 2017 on General Elections should establish the first national and regional cycles, while corresponding changes to Law Number 23 of 2014 on Regional Government should regulate the exact end of the affected DPRD terms and the inauguration of successors. Any temporary continuation must be limited to the shortest objectively necessary period and accompanied by a publicly fixed electoral timetable. Election management bodies, regional governments, and security institutions should then prepare coordinated operational plans based on that statutory schedule. Comparative research may further examine how other constitutional systems preserve representative legitimacy when judicial decisions require a change in electoral timing.

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